



Small Town Elections

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Circuit Court Clerk District Meetings
March 2023

How Are Candidates Nominated And Elected?



- Primary: Where voters affiliated with the Democratic or Republican parties nominate their candidates for their party's General or Municipal Election
- General: November election in even years
- Municipal: November election in odd year for cities and most towns
- Town Convention: Political parties entitled to place candidates on the municipal election ballot without petitions (Democratic, Libertarian, and Republican) must conduct a town convention in a small town to choose their nominees for the November election ballot if 1) multiple people within the same party file to run for the same office and 2) the town council has not adopted an ordinance to conduct a primary election.
- Caucus - a meeting where local members (precinct committeemen) of a political party chose a candidate to fill a ballot or elected office vacancy.

How Are Candidates Chosen By Political Parties?



1. Town Convention

- Ds and Rs hold town convention, if necessary, by August 21, 2023 to nominate contested candidates for November municipal election
- Party convention is default option if town council takes no action to pass an ordinance for a primary election

2. Town Primary Election

- Town Council passed ordinance by January 1, 2023 to hold a primary election for 2023
- Town Clerk-Treasurer filed ordinance with county clerk by noon, January 4, 2023
- Ordinance may not be changed more than one time in a 12-year period
- County Election Board runs the election
 - Town reimburses county for the election expense

When to Hold a Town Convention



- Town convention will only be held if a party has more candidates for a town office than can be nominated
 - Ex: Three candidates running as Democrats for the office of Clerk-Treasurer
 - If there is no contested race for an office within the same party, the candidate who filed the CAN-16 form is placed on the town's municipal election ballot in November 2023

How is a Town Convention Organized and Called?

Democratic, Libertarian and Republican parties must establish town party committees

- County party chair selects town party chair
- Cannot be a candidate for office or hold office in the town
- Town party chair appoints town party secretary
- Town party officer must be registered voter of the town

Town chair organizes and runs town convention

1. Notice to call the convention stating the date, time, and place convention will occur
2. File notice by August 18 with county clerk and post in (3) prominent places around town including town clerk-treasurer's office
3. Convention in town, or if none available, in any other suitable location in county
4. Convention must occur by Aug. 21
5. Emergency recess permitted by county chairman, notice filed with county clerk



Who Can Participate in the Town Convention?



- A person may participate and vote at the town convention if they meet all of the following:
 - Reside in the town on the convention date
 - Registered to vote at an address in the town by the date established in the political party's rules
 - Subscribes under penalties of perjury the person is affiliated with the political party
 - Complies with all political party rules regarding affiliation ("censure" example)
- A town voter can only participate in one party's town convention
 - A person who knowingly votes in more than one town convention commits a Class A misdemeanor

Town Convention Preparation



- Before the convention, the county election board must furnish the town party secretary with a list of the town's registered voters
 - List must include when voter registered if the voter registered in 2023
- The town party chair and secretary serve as the convention chair and secretary
 - **NOTE - The county or town election board do not run the convention. This is a party function.**

Following the Convention



- The convention chair and secretary must complete, sign, and file the CAN-18 certificate of nomination with the county clerk by NOON, August 28, 2023
- If town in more than one county, then file with county with the most population according to the 2020 census
- The county clerk must file a copy of the CAN-18 they receive with the town clerk-treasurer by NOON, September 5, 2023*
 - *Moved from September 4, 2023 because of Labor Day

Small Town Municipal Election Options



1. County Election Board runs small town municipal election for fixed fee or variable amount (based on votes in other municipalities and if county uses vote centers)
 - Town reimburses county for expenses by December 31, 2023
2. Town Election Board runs small town municipal election
 - Town Council adopts resolution between Jan. 1, 2023, and Aug. 8, 2023
 - Town Clerk-Treasurer files copy of resolution with county clerk by noon, Aug. 21, 2023
 - Town Election Board manages November 2023 election
 - Resolution expires December 31, 2023
 - Town is responsible for all costs of the election
 - Town MUST follow all state & federal election laws when conducting the election, including accessibility requirements

Small Town Election Board

- Three member bi-partisan board
 - Used ONLY if town council adopts resolution to run November 2023 municipal election by August 8, 2023
 - Democratic & Republican town committee chairs are members
 - County chair selects a registered voter of the town to serve as town committee chair
 - May not be a person holding town office
 - Must select one to serve as chair of board
- Town Clerk-Treasurer
 - Serves as Secretary
- Required to follow Indiana election law
- Must call meetings, preserve meeting minutes
- May hire staff, deputy election commissioners
- Town council sets compensation for board members

Deciding to Hold Election

- A town election board has most of the same powers as a county election board including determining if an election needs to be held
 - If there is an election for any town-wide office or town office such as clerk-treasurer, then all candidates for each town office must be on the November ballot
 - If there is only a contested election for a town council district office, which only voters in that district vote for, then town election board can pass a resolution by unanimous vote to have only that office printed on the ballot and conduct the election only in the precincts making up that district
 - Similarly, the town election board can pass a resolution by unanimous vote to not hold the town election if each town office is uncontested
 - Meaning there is only one candidate, including write-in candidates



Candidate Filing

- All candidates running for office in 2023 file candidacy forms & campaign finance documents with the COUNTY clerk with the largest percentage of the population of the election district
 - Candidacy forms include:
 - CAN-16 (Declaration of Candidacy for Small Town Convention)
 - CAN-42 (Declaration of Candidacy for Municipal Primary)
 - CAN-44 & 45 (Independent or Minor Party Petition & Consent)
 - CAN-12 (Statement of Economic Interests) for 2022 calendar year
 - Remember, the Statement of Economic Interest MUST be presented at the time of filing candidacy document or the clerk must reject the filing
 - Filing deadlines apply uniformly between cities, towns and “small towns”
- There is no such thing as nonpartisan town offices – All candidates for town office must file for office according to our state’s candidacy filing law, and can choose party label, even if town candidates traditionally run as independents or minor party such as “citizens party”



Libertarian Candidate



Two nomination paths:

- 1) For cities and towns holding a primary election:
No Libertarian Primary so Libertarians nominated at a city or town party convention
- 2) For “small towns” where primary is NOT held, the D/R/L parties hold a town convention, if nomination is contested within the specific party

City or Town Party Convention

After city or town convention is held, the following candidacy paperwork is filed:

CAN-22 (Candidate Selection)

Statement of Economic Interests

CAN-12 for most offices

Copy of economic interest filed with the Commission on Judicial Qualifications (City & town judges only)

Filing Period:

January 4, 2023 to noon, July 3, 2023

NOTE: the “small town” nominating convention filing period is different

Minor Party & Independent Candidates



- Two options:
 - 1) Be a declared write-in candidate, where name is NOT printed on the ballot
 - 2) Collect petition signatures of registered voters within the election district totaling 2% of the total votes cast for all candidates running for Secretary of State in 2022, which results in name printed on the ballot
- Declared Write-In Candidate
 - May not claim affiliation with the D/R/L Parties
 - Filing Paperwork:
 - CAN-51
 - CAN-12 (Statement of Economic Interest)
 - Copy of SEI filed with the Commission on Judicial Qualifications (city & town judges only)
 - Filing Period:
 - January 4 to noon, July 3, 2023

Government Employees Holding Office

- A government employee may not hold elected office for the same unit of government & remain employed
 - Does not disqualify a person from running; rather, the person is considered to have resigned from their job, if elected and qualified
 - Example: Sally is the town planner. She decides to run for town council. Sally wins her election. Since the elected office (town) IS the same unit of government as her employer (town), she automatically resigns her position as town planner.
 - Example 2: Joe is a town planner. He decides to run for county council. Joe wins his election. Since the elected office (county) is not of the same unit of government as his employer (town), he may hold elected office and remain in his job.
- NOTE: Firefighters who are not in a full-time, paid position (meaning volunteer) are exempt from the statute.



Municipal Election Costs



In odd-numbered municipal election years, all cities and towns are required to pay for their election.

- In **precinct-based counties**, if the county election board conducts the primary or municipal election, starting 90 days before the election, running through the day after the election, all expenses that can't be changed directly to a municipality shall be split:
 - 25% to county
 - 75% to municipality holding the election.
- In **vote center counties**, all expenses incurred by the county are split between the municipalities conducting elections.
- Towns may enter into an agreement to pay a **fixed amount**.
- If “small” town election board conducts the November election, the town is responsible for all costs.

Fail Safe Procedures



- Voter is on poll list but has moved within the same precinct.
 - If the person has moved within the precinct but outside the municipality, they are not eligible to vote.
- Moves less than 30-days before the election to an address outside of the municipality.
 - Voter may NOT return to vote one last time.
- Moves 30 days or more before the election within the same county or congressional district but outside of the municipality.
 - Voter may NOT return to old precinct to vote one last time.



Questions?

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